

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

*Before:*

Chairman Gleiman, Vice Chairman LeBlanc,  
Commissioners Covington, Goldway, and Omas

Bulk Parcel Return Service  
Expedited Minor Classification Case

Docket No. MC99-4

OPINION AND RECOMMENDED DECISION  
APPROVING  
STIPULATION AND AGREEMENT



Washington, DC 20268-0001  
August 19, 1999

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### RECOMMENDED DECISION

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## I. INTRODUCTION AND SUMMARY

### A. Commission Decision

The Commission adopts an unopposed stipulation and agreement ("settlement agreement") as the basis for its opinion and recommended decision approving the Service's request for a classification change expanding the availability of Bulk Parcel Return Service (BPRS). Currently, BPRS provides an efficient, cost-effective method of returning to the original mailer certain properly endorsed undeliverable (*and thus unopened*) machinable Standard A parcels.<sup>1</sup> Participating mailers pay a fee of \$1.75 per returned parcel.

The Commission's decision, if approved by the Governors, will extend this service to another segment of mail: namely, similar Standard A parcels that have been successfully delivered, and then *opened, resealed, and redeposited* by the intended recipient (without payment of additional postage) for return to the original mailer. Qualifying parcels must carry a BPRS endorsement, but may be returned with or without a mailer-furnished return label.

Participating mailers must agree to pay \$1.75 for each returned parcel and meet the same requirements that currently apply to BPRS, such as generating a minimum number of annual returns and maintaining an advance deposit account for payment of fees.

The record shows that the recommended change offers a pragmatic and appropriate solution to problems that often arise when consumers attempt to return opened, resealed parcels. The Commission believes this improvement in BPRS will

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<sup>1</sup> Under Postal Service regulations, undeliverable-as-addressed (UAA) parcels must be unopened. Also, to qualify as Standard A mail, parcels must weigh under one pound. Since they are under one pound, they can be placed in a collection box. USPS-T-2 at 2 (fn. 2).

help close a troubling gap in parcel service which, among other things, has contributed to serious customer relations problems for the Service and many shippers.

The Commission appreciates participants' efforts in reaching an unopposed settlement. This has materially assisted in the issuance of a decision on the Service's request within 90 days, as required by the expedited rules governing cases involving minor classification changes.

#### B. Procedural History

On May 25, 1999, the Postal Service filed a request for a recommended decision approving a classification change expanding the terms on which it offers Bulk Parcel Return Service (BPRS). Supporting documents included the testimony of Postal Service witnesses Adra (USPS-T-1) and Eggleston (USPS-T-2); proposed Domestic Mail Classification Schedule (DMCS) amendments; a statement on compliance with filing requirements; and a request for expedited treatment under the Commission's rules for minor classification changes [39 CFR §§ 3001.69-69c]. Notice of United States Postal Service of the Filing of a Request for an Expedited Recommended Decision on a Minor Classification Change for Bulk Parcel Return Service. In a related, concurrent filing, the Service submitted a proposed stipulation and agreement. Notice of United States Postal Service Filing of Proposed Stipulation and Agreement.

On May 27, 1999, the Commission issued a comprehensive notice and order addressing the Service's request and the related notice regarding potential settlement. The order authorized settlement discussions; appointed the Postal Service as settlement coordinator; and requested a status report on or before June 24, 1999. Notice and Order [No. 1248] on Postal Service Request for an Expedited Recommended Decision on a Classification Change Affecting Bulk Parcel Return Service [64 FR 29931].

The Service provided two reports on the status of settlement negotiations. The initial report was presented at the June 24, 1999 prehearing conference, following a recess during which settlement discussions were held. Docket No. MC99-4, Tr. 1/12; see also June 18, 1999 Request of United States Postal Service for Scheduling of Settlement Conference During Prehearing Conference; see also The Advertising Mail Marketing Association (AMMA) Comments in Support of Scheduling Settlement Conference and OCA Response to Request of United States Postal Service for Scheduling of Settlement Conference (both filed June 21, 1999). The second report was filed July 12, 1999. It indicated that an amendment to the DMCS language the Service proposed in its request was under consideration. It also stated that a meeting had been scheduled to consider an unrelated proposal (on a reduction in the annual minimum volume requirement). July 12, 1999 Report of United States Postal Service on Progress of Settlement Negotiations.

On July 30, 1999, the Postal Service (on behalf of itself and others) filed a motion for consideration of an unopposed settlement agreement. The Service noted two changes, relative to the documents filed with the original request. One affected the DMCS language; the other the settlement agreement provisions. The DMCS change entailed revising proposed DMCS § 935.36 to allow mailers to provide return labels not only in the parcel, but by any means (such as separate First-Class Mail or via the Internet). The Service indicated that this approach is similar to the practice in Merchandise Return Service. The revision to the settlement agreement entailed the addition of a paragraph on the development of further improvements in BPRS. The Service's motion also identified participants' positions on the settlement agreement. July 30, 1999 Motion for Consideration of Stipulation and Agreement. The record in this proceeding was closed on August 16, 1999. P.O. Ruling No. MC99-4/2.

*Complaint regarding BPRS fee.* Continuity Shippers Association (CSA) filed a complaint (under 39 U.S.C. § 3662) objecting to the BPRS fee. June 9, 1999 Complaint of CSA Regarding Charges for the BPRS. The Service's answer addressed

CSA's allegations and sought dismissal of the complaint. July 9, 1999 Answer of United States Postal Service [to CSA Complaint]. As of the issuance of this decision, the Commission had taken no final action on CSA's complaint.

### C. Description of Existing BPRS Service

BPRS is a relatively new — and limited — special service. It was introduced following the Governors' approval of the Commission's opinion and recommended decision in Docket No. MC97-4. The DMCS restricts the availability of BPRS to shippers that, on an annual basis, mail a large number of machinable Standard A parcels that are eventually deemed, under Postal Service regulations, to be undeliverable as addressed (UAA).<sup>2</sup> (These parcels, by virtue of being UAA, presumably are unopened.) Operationally, BPRS entails routing properly endorsed UAA parcels to designated collection facilities for bulk redelivery to (or pickup by) the original shipper. DMCS § 935.

Participating shippers must agree to pay a fee of \$1.75 per piece for each piece returned via the BPRS system. They must also establish and maintain an advance deposit account, generate a minimum annual UAA return volume of 10,000 pieces, and use certain endorsements on each parcel. Optional services, such as shipper-paid forwarding and address correction, are available for additional fees. See *generally* DMCS § 935 and Fee Schedule § 935.

## II. SUMMARY OF PROPOSAL

*Witness Adra's testimony.* Witness Adra presents the Service's rationale for proposing the requested change, reviews the proposal's consistency with classification criteria, and identifies the expected financial impact. He explains:

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<sup>2</sup> For purposes of this discussion, the terms "mailer" and "shipper" are used interchangeably to refer to the original mailer of the parcel.

Under this proposal, the definition of BPRS is amended to include parcels that have been opened, resealed, and redeposited in the mail. It also provides a return label option. Under this option, the mailer would include in the parcel a return label, prepared at the mailer's expense to specifications set forth by the Postal Service, to authorize its customers to return opened, machinable parcels at the expense of the original mailer. . . . Once returned to the mailstream, opened parcels would be handled in the same manner as other BPRS parcels. There would be no additional fee since there are no additional costs associated with extending the BPRS definition to include opened and resealed parcels.

USPS-T-1 at 2-3.

The DMCS language in the July 30, 1999 stipulation and agreement revises the label option Adra refers to by allowing the mailer to "furnish" a label, instead of requiring the label to be "included." This provides the mailer with additional options for supplying the recipient with a label, such as through separate First-Class Mail correspondence.

Adra notes that under existing regulations, if a customer receives a BPRS-endorsed mailpiece, opens it, and then decides to return it, he or she is supposed to bring it to a post office and pay single-piece postage for its return. He states that if a customer drops an opened parcel in the mail without paying postage, the mailpiece is supposed to be returned to the customer and return postage is supposed to be collected. *Id.* at 3. However, Adra says that it is often more practicable or efficient for the Postal Service to return the parcel to the original mailer (along with the mailer's BPRS parcels), given several considerations. These include the expense and difficulty of having the carrier return the parcel to the customer and seek payment of postage; the difficulty in determining whether the parcel was opened; and not discovering that the parcel was opened until it is at or near the original mailer's delivery office. *Id.*

Adra also says the parcel may not always make it back to the original mailer,

since it could be treated as dead mail and sent to a mail recovery center. However, he says that customers may assume the merchandise was returned and that their account was credited. *Id.*

*Benefits to mailers.* Adra says the Service's proposal will benefit mailers by giving them an effective vehicle to retrieve (and pay for the return of) merchandise that their customers refuse after opening and inspecting. *Id.* at 4. He suggests that shippers might be able to minimize customer dissatisfaction because the new return label option will allow them to inform customers that if they are not satisfied with the product, they can send it back at no cost. *Id.* Moreover, Adra says that since providing a return label is an option, mailers who do not wish to encourage returns need not include one. He says they may still indicate to the Service, by means of the BPRS endorsement, that they are willing to pay for any returned parcels, whether UAA or opened and resealed. *Id.*

*Benefits to the Postal Service.* Adra says the proposed change will also minimize the decision and transaction costs associated with the Service's current treatment of Standard A parcels found in the mailstream. *Id.* at 4. He says postal personnel who find these parcels without postage will no longer need to make a decision about how to handle them because, as long as they are endorsed for BPRS, they can be handled like BPRS-endorsed parcels that are UAA. *Id.* at 4-5. He also says this service will reduce any costs that would be incurred by the Postal Service in routing these parcels to a mail recovery center. *Id.* at 5.

Adra contends it makes operational sense to provide the option of return labels. He says parcels with return labels are easier to process because labels are more readily detected and read than parcels with handwritten or stamped "Return to Sender" markings. He also says they help prevent "looping" of parcels which can occur when the return address is unclear. Finally, Adra notes that the Service fully recovers the costs of processing opened, resealed parcels that are redeposited in the mailstream (including the cost of postage due accounting), through the BPRS fee. *Id.*



*Consistency with classification criteria.* Adra also evaluates the Service's proposal's consistency with the statutory classification criteria.<sup>3</sup> He generally notes that the revised BPRS classification is designed to bridge a gap in the current classification in a manner that is beneficial to all parties. He says it recognizes the need for a classification for this de facto segment (opened parcels), which can be handled in bulk along with other regular (unopened) parcels with respect to postage calculation, and may entirely bypass the delivery function. *Id.* at 6. He notes that once these parcels are found in the mailstream they are essentially captive to the postal system and cannot feasibly be returned using any other mode or system. Thus, he says that the classification change provides an effective mechanism of handling these parcels in a manner that is beneficial to all (criteria 2 and 5). *Id.*

Adra also asserts that it is fair and equitable to recognize the unique needs of the mailers and consumers who would benefit from the service as revised. He says: "Facilitating returns of parcels (both opened and resealed) is desirable and has a commercial value for shippers, consumers, and the Postal Service (criterion 1)." *Id.*

*Financial impact.* Adra says the Service foresees no measurable financial impact from this proposal, noting that any change in costs or revenues would be minimal given the small number of mailers who use BPRS. He also cites witness Eggleston's conclusion that the proposal might reduce costs. *Id.* at 8.

*Testimony of witness Eggleston.* Witness Eggleston identifies two costing issues. She says these are whether there are any differences in handling (and

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<sup>3</sup> These include the establishment and maintenance of a fair and equitable classification system for all mail (fairness and equity) [39 U.S.C. § 3623(c)(1)— "fairness and equity"]; the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services [39 U.S.C. § 3623(c)(2)]; the importance of providing classifications with extremely high degrees of reliability and speed of delivery [39 U.S.C. § 3623(c)(4); the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery [39 U.S.C. § 3623(c)(5) ]; the desirability of special classifications from the point of view of both the user and of the Postal Service [39 U.S.C. § 3623(c)(5)]; and such other factors as the Commission may deem appropriate [39 U.S.C. § 3623(c)(6)]. USPS-T-1 at 5.

therefore in costs) between the types of parcels that will be allowed into BPRS if the proposed revision is approved and a UAA BPRS-endorsed parcel.<sup>4</sup> USPS-T-2 at 2.

Eggleston analyzes the anticipated handling of both types of newly-qualifying parcels in terms of the cost components identified in a previous BPRS cost study, and concludes that there are no additional costs associated with the proposed extension. She further asserts that when opened and resealed parcels carry a label, they will be less costly for the Service to process than they now are. *Id.* at 6. Eggleston explains BPRS this way:

The proposal would allow the recipient of the parcel to open the package, examine the contents, and return the parcel to the original mailer paying the BPRS fee to cover the cost of the parcel's return. To return the parcel, the recipient would simply resealed the parcel and place a BPRS return label on it. The label designates the original mailer as the destination. The proposal would also authorize the use of the BPRS fee in those cases in which a BPRS-endorsed parcel, which has been opened and resealed, is found in the mailstream and it is not practicable or efficient to return the parcel to the recipient for payment of return postage.

*Id.* at 1 (fn. omitted).

Eggleston characterizes the process of sending the parcel back to the recipient for postage due as "a very costly undertaking." *Id.* (fn.1). She notes that the Service incurs costs associated with numerous tasks involved in collecting the postage, including separating the parcel from the mailstream, weighing and rating the parcel, and marking the parcel postage due. She also says the Service incurs all mail processing, transportation, and delivery costs associated with returning the parcel to the original

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<sup>4</sup> These are opened and resealed parcels *with* a label and opened and resealed parcels *without* a label.

recipient, including those incurred if a carrier makes several attempts at trying to collect the postage due on the mailpiece. *Id.*

The cost components in the BPRS study Eggleston refers to include collection, mail processing, transportation, postage due, and delivery. With respect to mail processing, she notes that the two main cost drivers are the parcel's machinability and its dimension and weight. She observes that BPRS parcels, by definition, are machinable, and therefore will be processed on the parcel sorter machine (PSM). *Id.* She says that opening and resealing a parcel will not change this situation, nor will placing a label on the parcel. *Id.* The only potential difference Eggleston sees is how the parcel is handled on the PSM. For both UAA BPRS parcels and *unlabeled* opened and resealed BPRS parcels, she says the keyer on the PSM keys the ZIP Code from the original mailer's address in the top left-hand corner of the parcel. For *labeled* opened and resealed BPRS parcels, she says the keyer either keys the ZIP Code from the label or scans the pre-printed barcode on the return label. *Id.* Eggleston says *unlabeled* opened and resealed parcels may have a greater probability of the return label being either difficult to read or obliterated. She observes that the BPRS study implicitly accounts for these costs by adjusting the estimated mail processing cost by the Special Standard B CRA adjustment factor. *Id.* at 4. Eggleston says that to the extent parcels use the proposed return labels, this could actually lead to reducing the Postal Service's total incurred costs. *Id.*

In terms of transportation, Eggleston notes that the parcels covered by the revised BPRS definition will use the same network as is now used. She says that since both opening and resealing a parcel and placing a label on the parcel do not change the distance traveled or size of a parcel, all three types of parcels incur the same transportation costs. *Id.* at 5.

With respect to postage due costs, Eggleston notes that since the BPRS fee is a per-piece fee not dependent on weight or zone, there is no need to weigh and rate any type of BPRS parcel. She says the existence of return label or the fact that a parcel

has been opened and resealed will not change these procedures, and that she therefore concludes that there are no additional postage due costs associated with extending the definition of BPRS to include opened and resealed parcels. *Id.*

Eggleston reaches a similar conclusion with respect to delivery costs: all BPRS will be returned in same manner, so there are no additional delivery costs associated with extending the definition of BPRS to include opened and resealed parcels. *Id.* In fact, Eggleston asserts that when they carry a label, these parcels will be less costly for the Postal Service to process. *Id.* at 6.

### III. THE STIPULATION AND AGREEMENT

The settlement agreement consists of two parts and several attachments. Part I (Background) identifies the docket, filing date, and supporting testimony. Part II (Terms and Conditions) consists of eleven numbered paragraphs. The attachments include proposed DMCS language; a memorandum (and questionnaire) to the parties of record from Ashley Lyons, Postal Service Pricing Manager; and signature pages.

In Part II, Paragraph 1 states that the settlement agreement represents a negotiated settlement of all issues raised in this docket. Paragraph 2 states that the signatories agree, for purposes of this proceeding only, that the Docket No. MC99-4 testimony of witness Adra (USPS-T-1) and witness Eggleston (USPS-T-2) should be entered into the evidentiary record of this proceeding. It further notes that the referenced testimony, together with the Service's Docket No. MC99-4 request and attachments, provide sufficient reasons and substantial evidence justifying a decision recommending the changes to the DMCS § 935 attached to the settlement agreement. This paragraph also includes a statement to the effect that any of the aforementioned material not already entered into the Docket No. MC99-4 evidentiary record be so entered.

Paragraph 3 says that the signatories stipulate that the DMCS changes set forth in the attachment are in accordance with the policies of title 39, United States Code and the criteria and factors of 39 U.S.C. § 3623.

Paragraph 4 states that the settlement agreement is offered in total and final settlement of this proceeding. It also limits each signatory's right to file no further pleadings in this proceeding, except in three specific situations.

Paragraph 5 identifies two situations that give rise to a signatory's right to withdraw from the settlement agreement. It specifies the conditions that attach to the exercise of this right and its effect on the operation of the agreement as to other signatories.

Paragraph 6 states that the settlement agreement pertains only to the instant proceeding. Paragraphs 7 and 8 limit the extent to which signatories are bound by the agreement.

Paragraph 9 states that the signatories request that the Commission expeditiously issue a decision recommending adoption of the DMCS provisions appended to the settlement agreement.

Paragraph 10 states that signatories and participants who are so interested agree to explore the possibility of further changes in BPRS of mutual benefit to mailers and the Postal Service, including a reduction in the minimum annual volume requirement. It further provides:

Parties representing mailers seeking such changes agree to provide information and data to the Postal Service in the nature of that requested in the attachment to the Postal Service letter of July 15, 1999, to the parties of record in Docket No. MC99-4 from Ashley Lyons, Manager, Pricing (copy attached), to enable it to estimate the effects of such changes. After analyzing the information provided, the Postal Service will communicate by the end of calendar year 1999 to the undersigned parties and participants its intentions regarding further changes, specifically whether it intends to seek authority from the Board of Governors to request

that the Commission recommend such changes. If the Postal Service does not so intend, it shall explain to the parties and participants the basis for that decision.

Paragraph 11 states that the settlement agreement represents the entire agreement of the signatories, and supersedes any understandings or representations not contained therein.

Documents appended to the settlement agreement include proposed DMCS revisions, signature pages, and a memorandum (and questionnaire) from Ashley Lyons, Postal Service Pricing Manager, to all parties of record in Docket No. MC99-4.

*Participants' positions on the settlement agreement.* The following participants signed the settlement agreement: AMMA, Association of American Publishers, Douglas F. Carlson, CSA, CTC Distribution Services, LLC, Direct Marketing Association, Parcel Shippers Association, the Postal Service, the Office of the Consumer Advocate, and Time Warner Inc. The Service's motion states that UPS does not oppose the settlement agreement. The Service also states that Mr. Popkin has not responded.

#### IV. FINDINGS AND CONCLUSIONS

Based on representations in the Postal Service's motion for acceptance and an independent review of the record, the Commission finds that all participants have had an opportunity to participate in the settlement proceedings that led to the filing of the July 30, 1999 settlement agreement. The Commission is also satisfied that all participants have had an adequate opportunity to comment on the appropriateness of the settlement as a resolution of the issues raised in this case, and to determine their position on its suitability as a basis for the Commission's opinion and recommended decision.

Having made these determinations, the Commission has reviewed the evidentiary record pursuant to its statutory obligation under chapter 36 of title 39 of the U.S. Code. This includes an independent review of the testimony of Postal Service

witnesses Adra and Eggleston. This review leads to the conclusion that the proposed classification change, as set out in the July 30, 1999 Stipulation and Agreement, meets the criteria of 39 U.S.C. § 3623 for the reasons cited by witness Adra, and conform to the policies of the Postal Reorganization Act. The Commission therefore recommends to the Governors of the Postal Service that the DMCS be amended as set forth in Appendix One of the accompanying Recommended Decision.

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:           Edward J. Gleiman, Chairman;  
  W.H. "Trey" LeBlanc III, Vice Chairman;  
  Dana B. Covington, Sr.; Ruth Y. Goldway;  
  and George A. Omas

BULK PARCEL RETURN SERVICE  
EXPEDITED MINOR CLASS CASE

Docket No. MC99-4

RECOMMENDED DECISION

(Issued August 19, 1999)

The Commission, having considered the Stipulation and Agreement filed and entered into the record of this proceeding, has issued its Opinion thereon. Based on that Opinion, which is attached hereto and made a part hereof,

It is ordered:


1. The Stipulation and Agreement filed July 30, 1999 by the Postal Service is accepted.
2. That the Commission's Opinion and this Recommended Decision be transmitted to the Governors of the Postal Service and that the Governors thereby be advised that the



proposed amendments to the text of the DMCS set forth in Appendix One are in accordance with the policies of title 39, United States Code and the factors set forth in § 3623(c) thereof.

By the Commission.

(S E A L)

A handwritten signature in black ink, reading "Margaret P. Crenshaw". The signature is written in a cursive style with a large, sweeping "M" and a long, trailing flourish at the end.

Margaret P. Crenshaw  
Secretary

**RECOMMENDED CHANGES IN THE  
DOMESTIC MAIL CLASSIFICATION SCHEDULE**

The following changes represent the changes to the Domestic Mail Classification Schedule recommended by the Postal Rate Commission in response to the Stipulation and Agreement filed in Docket No. MC99-4. Proposed additions are underlined and proposed deletions are in brackets.

**935 BULK PARCEL RETURN SERVICE**

**935.1 Definition**

935.11 Bulk Parcel Return Service provides a method whereby high-volume parcel mailers may have [undeliverable-as-addressed] machinable parcels returned to designated postal facilities for pickup by the mailer at a predetermined frequency specified by the Postal Service or delivered by the Postal Service in bulk in a manner and frequency specified by the Postal Service. Such parcels are being returned because they: (1) are undeliverable-as-addressed; (2) have been opened, resealed, and redeposited into the mail for return to the mailer using the return label described in section 935.36 below; or (3) are found in the mailstream, having been opened, resealed, and redeposited by the recipient for return to the mailer, and it is impracticable or inefficient for the Postal Service to return the mailpiece to the recipient for payment of return postage.

**935.2 Description of Service**

935.21 Bulk Parcel Return Service is available only for the return of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

**935.3 Requirements of the Mailer**

935.31 Mailers must receive authorization from the Postal Service to use Bulk Parcel Return Service.

935.32 To claim eligibility for Bulk Parcel Return Service at each facility through which the mailer requests Bulk Parcel Return Service, the mailer must demonstrate receipt of 10,000 returned machinable parcels at a given delivery point in the previous postal fiscal year or must demonstrate a high likelihood of receiving 10,000 returned parcels in the postal fiscal year for which the service is requested.

935.33 Payment for Bulk Parcel Return Service is made through advance deposit account, or as otherwise specified by the Postal Service.

935.34 Mail for which Bulk Parcel Return Service is requested must bear endorsements specified by the Postal Service.

935.35 Bulk Parcel Return Service mailers must meet the documentation and audit requirements of the Postal Service.

935.36 Mailers of parcels endorsed for Bulk Parcel Return Service may furnish the recipient a return label, prepared at the mailer's expense to specifications set forth by the Postal Service, to authorize return of opened, machinable parcels at the expense of the original mailer. There is no additional fee for use of the label.

#### 935.4 Other Services

935.41 The following services may be purchased in conjunction with Bulk Parcel Return Service:

	Service	Fee Schedule
a.	Address Correction Service	911
b.	Certificate of Mailing	947
c.	Shipper-Paid Forwarding	936

#### 935.5 Fee

935.51 The fee for Bulk Parcel Return Service is set forth in Fee Schedule 935.

#### 935.6 Authorizations and Licenses

935.61 A permit fee as set forth in Schedule 1000 must be paid once each calendar year by mailers utilizing Bulk Parcel Return Service.

935.62 The Bulk Parcel Return Service permit may be canceled for failure to maintain sufficient funds in an advance deposit account to cover postage and fees on returned parcels, or for failure to meet the specifications of the Postal Service, including distribution of return labels that do not conform to Postal Service specifications.

APPEARANCES: PARTICIPANTS AND COUNSEL  
*(Italicized boldface type indicates that participants signed the  
Stipulation and Agreement)*

***Advertising Mail Marketing Association (AMMA)***

N. Frank Wiggins  
Ian D. Volner

***Association of American Publishers (AAP)***

Mark L. Pelesh  
John R. Przypyszny

***†Douglas F. Carlson (Carlson)***

Douglas F. Carlson

***Continuity Shippers Association (CSA)***

Aaron Horowitz

***CTC Distribution Services, L.L.C.***

William J. Olson  
John S. Miles  
Alan Woll

***Direct Marketing Association, Inc. (DMA)***

Dana T. Ackerly II

***Office of the Consumer Advocate (OCA)***

Ted P. Gerarden  
Kenneth E. Richardson

***Parcel Shippers Association (PSA)***

Timothy J. May

***†David B. Popkin (Popkin)***

David B. Popkin

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† Limited participant

***Time Warner Inc. (Time Warner)***

John M. Burzio

Timothy L. Keegan

**United Parcel Service (UPS)**

John E. McKeever

Kenneth G. Starling

Nicole P. Kangas

***United States Postal Service (USPS)***

Daniel J. Foucheaux

Scott L. Reiter

WITNESSES

Mohammad A. Adra (USPS-T-1)

Jennifer L. Eggleston (USPS-T-2)